

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

DOUGLAS TURNER  
TDCJ-CID #681306  
Plaintiff,

v.

RICHARD L. CRITES, et al.  
Defendants.

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C.A. No. C-09-053

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

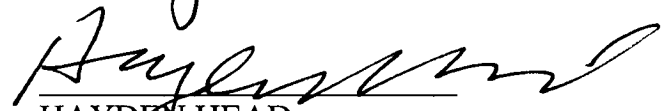
The Magistrate Judge filed her Memorandum and Recommendation in this case on May 13, 2009. D.E. 13. Plaintiff has not filed any objections. Plaintiff seeks damages under 42 U.S.C. § 1983, alleging that his assignment to administrative segregation unconstitutionally deprived him of due process and was cruel and unusual punishment. D.E. 1. The Magistrate Judge concludes that Plaintiff does not state a proper constitutional claim under either the Eighth Amendment or the Due Process clause of the Fourteenth Amendment. *Id.* Accordingly, she recommends dismissing Plaintiff's case for failure to state a claim and imposing a "strike" for frivolous filing against Plaintiff pursuant to 28 U.S.C. § 1915(g).

When no timely objection to the Magistrate Judge's Memorandum and Recommendation is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record in order to accept the Magistrate Judge's

recommendation. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir.1996) (citing FED. R. CIV. P. 72(b) advisory committee's note (1983)).

Having reviewed the pleadings and motions on file, the Court finds no clear error in the Magistrate Judge's recommendation. The Court accepts the Magistrate Judge's decision. The Court DISMISSES Plaintiff's claims for injunctive relief and damages under § 1983 as frivolous and for failure to state a claim. As this is a dismissal under 28 U.S.C. § 1915(g) (a "strike" for frivolous filing), the Court further instructs the Clerk to provide copies of the dismissal order to the parties, to the TDCJ—Office of the General Counsel, P.O. Box 13084, Austin, Texas, 78711, Fax Number 512-936-2159, and to the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Betty Parker.

ORDERED this 31 day of Aug 2009.

  
HAYDEN HEAD  
CHIEF JUDGE